

2/19/08

L-46-08 vaz

ORDINANCE NO. 46-08

BY: **ROY J. JECH**

(By Request – Community Services & Economic Development Director)

AN ORDINANCE TO CONVEY CITY-OWNED LAND,
PERMANENT PARCEL NUMBER 447-16-019 AND
KNOWN AS THE FORMER FIRE STATION NO. 2, TO
THE PARMA COMMUNITY IMPROVEMENT
CORPORATION, AND DECLARING AN EMERGENCY

WHEREAS, the Parma Community Improvement Corporation (PCIC) is the City of Parma's non-profit development corporation responsible for the purchase or sale of property for economic development purposes; and,

WHEREAS, the City will convey to the Parma Community Improvement Corporation (PCIC) any lands and interest in such lands owned by the city when determined by Council that such land is not required for municipal purposes, and the conveyance of such land and interest in such land will promote the welfare of the citizens of the City, stabilize the economy, increase employment opportunities, and assist in the improvement of medical care and medical research in the City all for the benefit of the citizens of the City; and,

WHEREAS, the City of Parma has received approval from the City of Parma Planning Commission to consolidate subplot numbers 5, 6, 7, 8, 9, 10, 35, 36, 37, 38 and 39 and part of Staten Heights Boulevard in Roy Raylor's Staten Heights Subdivision No. 1 of part of Original Parma Township Lot Nos. 14 and 19 as shown by the recorded plat in Volume 101 of Maps, Page 8 of Cuyahoga County Records; and,

WHEREAS, Council has determined that this land is not needed for municipal purposes; and,

WHEREAS, the City of Parma has entered into a Development Agreement with Busack Properties LLC for the redevelopment of the consolidated parcel, Permanent Parcel No. 447-16-019 a.k.a. the former Fire Station No. 2 property; and,

WHEREAS, pursuant to the Development Agreement, the City of Parma would transfer Permanent Parcel No. 447-16-019 upon Cuyahoga County approval of lot consolidation to the Parma Community Improvement Corporation (PCIC);

WHEREAS, this Council finds that the conveyance of this land to the PCIC will promote the welfare of the people of the City, stabilize the economy, increase the City tax base, provide increased employment opportunities, and assist in the improvement of medical care and research in the City all for the benefit of the residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That this Council of the City of Parma hereby authorizes and approves the conveyance of municipally-owned land located on State Road, with the legal description attached hereto as Exhibit "A" and incorporated herein as if fully rewritten, to the Parma Community Improvement Corporation (PCIC).

Section 2. As required by the Agreement entered into between the City and Busack Properties LLC, the City would transfer Permanent Parcel Number 447-16-019 upon Cuyahoga County approval of lot consolidation to the Parma Community Improvement Corporation (PCIC). Thereafter, upon the sale of the land by the PCIC, such additional consideration shall be no less than \$120,000.00 less any and all costs associated with the sale as set forth in Section 3 of this Ordinance.

Section 3. When the land conveyed by the City to the PCIC is sold by the PCIC at a price in excess of the initial consideration received by the City from the PCIC, such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the PCIC: the costs of acquisition and sale by the PCIC, taxes and assessments, costs of maintenance, costs of improvements to the property by the PCIC, service fees, debt service charges of the PCIC attributable to the property and necessary legal, accounting or escrow fees.

Section 4. That funds received by the City from the PCIC from the sale of the land shall be used for the purpose of improvements to the remaining City-owned roadway servicing the non-profit Parma Animal Shelter, improvements to relocated parking servicing State Road pool, relocation of electrical transformer(s) serving State Road pool and/or the Parma Animal Shelter and relocation of the Parks & Recreation garage located to the north of the Parma Animal Shelter to State Road Park, and notwithstanding Ordinance No. 272-07, the funds shall be deposited into an account as determined by the Auditor for said purpose.

Section 5. That the Mayor and the Public Service Director are hereby authorized and directed to execute a quit-claim deed transferring such land to the PCIC in such form as approved by the Law Director, and all other documents necessary to consummate this transaction.

Section 6. That the Clerk of Council and the Auditor are hereby authorized and directed to change the City records, and the Clerk of Council is hereby further ordered to file with the Cuyahoga County Auditor the quit claim deed transferring the land, and the City Engineer is hereby directed to change the official map of the City of Parma relative to said conveyance.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary to complete a lot consolidation filing with Cuyahoga County, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO